

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

AxxonSoft US, INC and AxxonSoft
LTD.,

Defendant.

CASE NO. 6:13-cv-106 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**ORDER DENYING AXxonSOFT'S MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION AND FOR FAILURE TO STATE A CLAIM**

On this day came for consideration Defendant AxxonSoft US' and Defendant AxxonSoft LTD.'s ("AxxonSoft's") Motion to Dismiss Plaintiff Blue Spike, LLC's Complaint in the above-captioned proceeding for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2)-(3) and for failing to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). Having considered both AxxonSoft's motion and supporting papers and Blue Spike, LLC's opposition and supporting papers, the Court is of the opinion that said motion should be GRANTED, in PART, and DENIED, in PART, as follows:

1. Defendant's motion is DENIED as to personal jurisdiction, venue, and Plaintiff's claims for direct infringement, induced infringement, and contributory infringement, as Plaintiff has pleaded these claims with sufficient specificity.
2. Defendant's motion is GRANTED as to Plaintiff's claim for willful infringement. However, Blue Spike may amend its complaint at a future date if it uncovers factual support for claims of willful infringement.

IT IS SO ORDERED.